

Remarks

Upon entry of the foregoing Amendment, claims 1-44 are pending in this application. Claims 1, 15, 29, and 43 are amended; no claims are canceled or added. In view of the following Remarks, allowance of all the pending claims is requested.

Rejection Under 35 U.S.C. §§ 102 and 103

The Examiner has rejected claims 1-8, 10-22, 24-36 and 38-44 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,512,919 to Ogasawara. The Examiner has rejected claims 9, 23, and 36 under 35 U.S.C. 103(a) as allegedly being unpatentable over Ogasawara in view of U.S. Patent No. 6,026,375 to Hall et al. Applicants traverse these rejections because neither Ogasawara alone or in combination with Hall, disclose, teach, or suggest the claimed invention.

Ogasawara does not disclose each and every claim element of claims 1, 15, 29, and 43. These claims disclose, among other things, the claim feature of “receiving, at an intermediary disposed between and separate from a mobile device and a plurality of merchants, first order data.” The Examiner alleges that the server 210 is an intermediary. (See Final Action, page 5-6). The Examiner fails to provide any evidence that the server 210 is an intermediary disposed *between and separate from the mobile device and a plurality of merchants*. Ogasawara discloses the server 210 as a store server for a single merchant. Each store maintains a server which provides a downloadable purchase transaction program to a wireless device. And each store is defined to include any seller of goods and services, including a retail store. To access a different seller a different purchase transaction program may be downloaded from another store server. Ogasawara states:

"downloading allows a plurality of different sellers to utilize their own programs, rather than requiring a single universal program for all sellers." Col. 3 lines 35-37

Therefore, the server 210 is associated with a single retail store and thus, the server 210 is not an intermediary disposed between and separate from a mobile device and a *plurality of merchants*. Ogasawara does not disclose the above claim feature.

Furthermore, even if the Examiner's allegations were true, Ogasawara fails to disclose the steps of storing information that specifies the minimum set of data required by the one merchant to completely process the order; comparing first order data to the required data; and

retrieving a data item needed to have the minimum set of data. Ogasawara does not even mention a minimum set of data required by the merchant to completely process an order. Although Ogasawara may disclose a password required by the server, the password is not first order data that identifies one or more products or services that a user desires. Thus, independent claims, 1, 15, 29, and 43 are clearly not anticipated by Ogasawara.

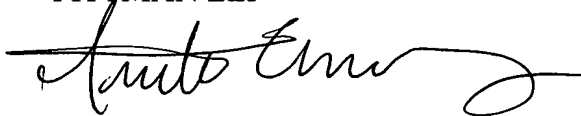
Dependent claims 2-8, 10-14, 16-22, 24-28, 38-42, and 44 depend from and add features to one of claims 1, 15, 29, and 44. Thus, for at least the reasons set forth above, and the additional features, these claims are not anticipated by Ogasawara.

With regard to claims 9, 23, and 37, Hall does not make up for the deficiencies of Ogasawara set forth above with regard to claims 1, 15, and 29. Thus, the combination of Ogasawara and Hall does not teach and/or suggest the features of claims 9, 23, and 37. As such, claims 9, 23, and 37 are patentable over Ogasawara and Hall.

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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